

**DENTISTRY EXAMINING BOARD
MINUTES
July 13, 2005**

PRESENT: Lori Barbeau, DDS; Bruce Barrette, DDS; Linda Bohacek; David Carroll, RDH; Keith D. Clemence, DDS; Nanette Kosydar Dreves, RDH; Judith Ficks; Wilber Gill, DDS; Karen M Jahimiak, DDS; Richard Strand, DDS; and Anne Taylor

ABSENT: William R. Skarie, DDS

STAFF PRESENT: Tom Ryan, Bureau Director; Dennis Schuh, Legal Counsel; Jacquelynn Rothstein, Office of Legal Services; PJ Monson, Bureau Assistant

GUESTS: Rep. Frank Lasee, 2nd Dist., Donald G Pelisch, Jerry Ebert, Wayne Chikile, Quintin Aulik, Barb Bernard, Dick Wagner, Jim Granich, Nancy C. Gianoli, Joanne Ebert, John M. Lueck, Sharon R. Heusten, Genevieve Ilecki, Daine Tranberg, B. Wagner, Marissa Neal, Donna Ferrier, Walter Ferrier, Fred Kalkofer, Dale Consant, Patty Mulry, Jim J, Shirley Woloszyh, Cindy Peot, Jane Vander Heyden, Georgia (Jorja) Ruggles, Ron Baenen, Eleanore Baenen, Nancy Mary Siebers, Francis W. Biehl, Glenda L. Pelisek, Laverne Vander Heyden, Lyle Cherney, Norbert G. Robillard, Luetta A Robillard, Lorraine Moody, Bob Schuld, Mike Hageman, Jack Janssen, Jeffrey Leven, Brian W. Baird, and Shawn Vander Heyden on behalf of Richard L. Vander Heyden, DDS; Lori Pelke, Midwest Dental Mgmt; Fred Jaeger, WDA; Dan Lemke; Peter Theo, WDHA; Jeremy Levin, WI Medical Society.

CALL TO ORDER

Chair Bruce Barrette called the meeting to order at 8:35 a.m. A quorum of 11 members was present.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

APPROVAL OF AGENDA

Items presented to the board

- Item “G”(i) – Western Regional Examining Board
- Item “G”(ii) – ADEX Agreement contract
- Item “N” – Letter from Attorney Polewski regarding Dr. Vander Heyden

- Item “N” – Letter and Information from Augustine, Kern and Levens, Ltd on behalf of Richard L. Vander Heyden, DDS
- After “N” - Stipulation and Final Decision and Order in the matter of 05 DEN 28
- After “O” – DOE Pending Cases Report

APPROVAL OF MINUTES OF MAY 4, 2005

Amendments to minutes:

- Karen Jahimiak was present for the meeting
- Starting time was 8:47 a.m.
- Page 12 second paragraph – adopt proposed decision ‘with variance’
- Dr. Strand on page 10, to replace Mr. Strand

MOTION: Ms Bohacek moved, seconded by Ms. Ficks, to approve the minutes with amendments. Motion carried unanimously.

ADMINISTRATIVE REPORT

Welcome to the board from Secretary Jackson:

Secretary Jackson stopped in to greet the Board and expressed interest in working together to protect public health and safely.

2006 Meeting and Screening Dates:

The January 18 meeting and screening date was changed to January 11.

MOTION: Dr. Strand moved, seconded by Ms. Ficks, to change the January 18 meeting and screening date to January 11. Motion carried unanimously.

The July 5 meeting and screening date was changed to July 12, assuming no conflict with currently scheduled department meetings.

Budget and building update:

Deputy Secretary Rowe updated the board on the current status of the state budget and will address the board with more information as it becomes available. Ms. Rowe noted the addition of two professions to the Department, AODA Counselors and the Cemetery Examining Board along with the elimination of 11 ½ positions. Legal Department consolidation was not a part of the current draft submitted to the Governor but IT and HR consolidations were included.

The Board expressed interest in the record keeping process and asked to be kept informed of any changes the Department might make.

Deputy Rowe explained the building remodeling is scheduled to be completed in September.

Appointment of replacement to Credentialing Committee:

Ms. Schleis is replaced by Ms. Dreves.

**PRESENTATION OF PROPOSED STIPULATIONS,
FINAL DECISIONS AND ORDERS**

Randall H. Straub, DDS

Attorney Gil Lubcke, DOE, appeared before the Board to present the proposed stipulation in the matter concerning Randall H. Straub, DDS.

Howard Lubin, DDS

Attorney Jeanette Lytle, DOE, appeared before the Board to present the proposed stipulation in the matter concerning Howard Lubin, DDS.

**PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND
ORDERS RECEIVED AFTER MAILING OF AGENDA**

Daniel L. Dries, DDS

Attorney Arthur Thexton, DOE, appeared before the Board to present the proposed stipulation in the matter concerning Daniel L. Dries, DDS.

Regulatory digest:

Discussion with regard to posting the Regulatory Digest on line prior to verification of content was discussed.

Website Position Papers:

Discussion ensued regarding the link on the DRL web site posting of the Board's teeth whitening Position Paper. The board requested the link to the Attorney General's opinion on teeth whitening be removed. Mr. Ryan stated the department believes the public should to be aware of this legal opinion.

MOTION: Dr. Strand moved seconded by Dr. Gill, that any time this board approves a position with regard to the allocation funds that it be in

written form from Mr. Ryan to the front office. Motion carried unanimously.

Regulatory digest:

MOTION: Ms. Dreves moved, seconded by Dr. Strand that the digest be on the web site previous to the next board meeting as approved with the addition that Ms. Bohacek is now a confirmed member of the Board. Motion carried unanimously.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES,
AND ADMINISTRATIVE RULES**

Dennis Schuh reported on the current status of case 04-CV-846 and the dental school rule currently in progress.

**RULE DRAFT REVIEW FOR APPROVAL
CR 04-095 WIS. ADMIN. CODE
DEN 11 ANESTHESIA/CONSCIOUS SEDATION RULE**

The Board discussed an amendment to the rule with regard to giving medication in multiple doses allowing titration.

MOTION Dr. Clemence moved, seconded by Dr. Barbeau, to re-draft the rule with the amendment presented by Dr. Clemence. Motion Carried. Roll call vote: Lori Barbeau-yes; Bruce Barrette-no; Linda Bohacek-yes; David Carroll-yes; Keith Clemence-yes; Nanette Kosydar Dreves-yes; Judith Ficks-yes; Wilber Gill-yes; Karen Jahimiak-yes; Richard Strand-no; Anne Taylor-yes.

**RULE-DRAFTING – DENTAL HYGIENIST TRAINING REQUIREMENTS FOR
LOCAL ANESTHESIA ADMINISTERED BY APPLICATOR**

Dennis Schuh presented a rule draft for board discussion. This will be returned to the September agenda.

ADEX

Correspondence:

Noted.

Membership and Examination Acceptance Agreement:

Mr. Schuh distributed a more current revision of the acceptance agreement.

MOTION: Dr. Jahimiak moved, seconded by Ms. Dreves, to accept the membership and examination agreement. Motion carried unanimously. Dr. Barrette abstained.

Credentialing Committee Report:

Dr. Strand reported the credentialing committee approved 7 dentist applications for a total of 69 dentists credentialed year to date and 4 dental hygienists for a total of 98 year to date. There were 4 license applications denied.

CRDTS Report:

Dr. Strand reported that Executive Director Harold Thurman resigned. CRDTS continues to support ADEX and has been involved with the exchange program with SERTA.

AADE Report and ADEX Report:

Dr. Barrette indicated ADEX has been accepted by CRDTS and NERB. The SERTA vote is pending.

INFORMATIONAL ITEMS

Noted.

CLOSED SESSION

MOTION: Ms. Ficks moved, seconded by Dr. Carroll, to convene to Closed Session to deliberate on cases following hearing (Wis. Stat. § 19.85(1)(a)), Wis. Stat.; to consider licensure or discipline (Wis. Stat. § 19.85(1)(b)), to consider individual histories or disciplinary data (Wis. Stat. § 19.85(1)(f)), and, to confer with legal counsel (Wis. Stat. § 19.85(1)(g)). Motion carried by roll call vote: Lori Barbeau-yes; Bruce Barrette-yes; Linda Bohacek-yes; David Carroll-yes; Keith Clemence-yes; Nanette Kosydar Dreves-yes; Judith Ficks-yes; Wilber Gill-yes; Karen Jahimiak-yes; Richard Strand-yes; Anne Taylor-yes.

Open Session recessed at 10:55 a.m.

RECONVENE TO OPEN SESSION

MOTION: Ms. Ficks moved, seconded by Mr. Carroll, to reconvene into Open Session at 1:18 p.m. Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED
SESSION, IF VOTING IS APPROPRIATE**

APPLICATION REVIEW

EDWARD J. GRABIEC, DDS

Edward J. Grabiec, DDS, appeared before the Board to present additional information and answer questions regarding his application for a license to practice dentistry in Wisconsin.

MOTION: Ms. Dreves moved, seconded by Dr. Jahimiak, to approve Edward J. Grabiec's application for a dental license. Motion carried unanimously.

JOHN T. SEARS, DDS

John T. Sears, DDS, appeared before the Board to present additional information and answer questions regarding his application for a license to practice dentistry in Wisconsin.

MOTION: Ms. Barbeau moved, seconded by Mr. Carroll, to approve John T. Sears' application for a dental license. Motion carried unanimously.

BRET GILSDORF, DDS

Bret Gilsdorf, DDS, appeared before the Board to present additional information and answer questions regarding his application for a license to practice dentistry in Wisconsin.

MOTION: Ms. Ficks moved, seconded by Ms. Bohacek, to approve Bret Gilsdorf's application for a dental license. Motion carried unanimously.

**DELIBERATION OF PROPOSED STIPULATIONS, FINAL DECISIONS
AND ORDERS**

RANDALL H. STRAUB, DDS

Dr. Clemence left the room for deliberations.

MOTION: Ms. Dreves moved, seconded by Dr. Jahimiak, to accept the proposed stipulation, final decision and order in the matter of

disciplinary proceedings against Randall H. Straub, DDS.
Motion carried unanimously. Dr. Clemence abstained.

HOWARD LUBIN, DDS

Dr. Gill left the room for deliberations.

MOTION: Ms. Dreves moved, seconded by Ms. Ficks, to accept the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Howard Lubin, DDS. Motion carried unanimously. Dr. Gill abstained.

DANIEL L. DRIES, DDS

Dr. Barbeau left the room for deliberations.

MOTION: Dr. Clemence moved, seconded by Dr. Gill, to deny the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Daniel L. Dries, DDS. Motion carried unanimously. Dr. Barbeau abstained.

MOTION: Dr. Clemence moved, seconded by Dr. Carroll, to withdraw the first motion made by the board with regard to the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Daniel L. Dries, DDS. Motion carried unanimously. Dr. Barbeau abstained.

MOTION: Dr. Clemence moved, seconded by Dr. Gill, to approve the re-written proposed stipulation, final decision and order in the matter of disciplinary proceedings against Daniel L. Dries, DDS. Motion carried unanimously. Dr. Barbeau abstained.

DELIBERATION OF PROPOSED DECISION

RICHARD L. VANDER HEYDEN, DDS

Dr. Clemence left the room for deliberations.

MOTION: Dr. Strand moved, seconded by Ms. Dreves, to deny petition to remand for further hearing in the matter of Richard L. Vander Heyden, DDS. Motion carried unanimously. Dr. Clemence abstained.

MOTION: Ms. Strand moved, seconded by Dr. Barbeau, to accept the proposed decision in the matter of disciplinary proceedings

against Richard L. Vander Heyden, DDS. Motion carried unanimously. Dr. Clemence abstained.

MONITORING

VALI KIAIE, DDS

MOTION: Dr. Jahimiak moved, seconded by Ms. Ficks, to deny Vali Kiaies' request for licensure. Motion carried unanimously.

CASE CLOSINGS

02 DEN 003

MOTION: Dr. Gill moved, seconded by Dr. Clemence, to close case **02 DEN 003** for prosecutorial discretion. Motion carried unanimously.

02 DEN 132

MOTION: Dr. Strand moved, seconded by Ms. Bohacek, to close case **02 DEN 132** for administrative closure. Motion carried unanimously.

04 DEN 023

MOTION: Ms. Bohacek moved, seconded by Dr. Jahimiak, to close case **04 DEN 023** for no jurisdiction. Motion carried unanimously.

02 DEN 127

MOTION: Dr. Barbeau moved, seconded by Dr. Carroll, to close case **02 DEN 127** for insufficient evidence. Motion carried unanimously.

02 DEN 028

MOTION: Dr. Strand moved, seconded by Dr. Jahimiak, to close case **02 DEN 028** for prosecutorial discretion. Motion carried unanimously.

03 DEN 074

MOTION: Ms. Dreves moved, seconded by Ms. Bohacek, to close case **03 DEN 074** for prosecutorial discretion (3). Motion carried unanimously.

ADJOURNMENT

MOTION: Dr. Clemence moved, seconded by Mr. Carroll, to adjourn the meeting at 1:28 p.m. Motion carried unanimously.

NEXT MEETING DATE

September 28, 2005